

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 90 of the)
Commission's Rules to Provide)
for the Use of the 220-222 MHz)
Band by the Private Land Mobile)
Radio Service)
)
Implementation of Sections 3(n) and 332)
of the Communications Act)
)
Regulatory Treatment of Mobile Services)
)
Implementation of Section 309(j) of the)
Communications Act -- Competitive)
Bidding, 220-222 MHz)

PR Docket No. 89-552
RM 8506

GN Docket No. 93-252

DOCKET FILE COPY ORIGINAL

PP Docket No. 93-253

REPLY COMMENTS OF US MOBILCOMM, INC.

US MobilComm, Inc. ("USMC"), by its attorneys and pursuant to Section 1.415 of the Commission's rules, hereby submits its reply in the above-referenced proceeding. As demonstrated below, USMC generally supports the Comments of the American Mobile Telecommunications Association, Inc. ("AMTA") and urges the Commission to adopt AMTA's proposals, with one exception. Unlike AMTA, USMC believes that the Commission should adopt its own proposal and reallocate the nationwide spectrum for commercial use, return without prejudice unprocessed nationwide applications, as well as the appropriate filing fees, to the 33 applicants, and auction the available nationwide licenses. In addition, USMC supports the proposal of ComTech Communications, Inc. ("ComTech") to adopt a 28 dBuV/m signal strength standard, rather than a 38 dBuV/m standard, to define the maximum signal strength permitted at the edge of the licensed service area. USMC understands that AMTA is also supporting a 28

dBuV/m standard in its Reply Comments.

Background

USMC and its affiliated companies began operations in early 1993 with a goal of building and operating major market wireless voice and data networks of commercial trunked five-channel 220 MHz systems (the "Network"). The Network consists of individually owned, licensed, and controlled systems whose licensees have come together under USMC's common management umbrella.

To date, 200 MHz systems owned and/or managed by USMC have been constructed and are being managed by USMC in the metropolitan areas of Boston, Philadelphia, New York City, Baltimore/Washington, Miami, and Milwaukee. USMC believes that it currently manages more licenses in the major markets on the East Coast than any other 220 MHz management company. Additional USMC markets include Chicago, Dallas, Hartford, Houston, Minneapolis, and Sacramento.

USMC and its counsel have worked with the FCC and AMTA extensively over the past 1 ½ years in an effort to develop guidelines which would be consistent with the goals of the Commission while allowing the 220 MHz industry the flexibility that it needs to develop into the high quality wireless communications service provider it has the potential to become. These efforts have included numerous meetings among senior staff members of the wireless bureau and USMC officials and its counsel, as well as the filing of numerous comments by USMC in this proceeding.

Unprocessed Nationwide Applications

USMC and its counsel have worked closely with AMTA in the preparation of AMTA's Comments to the Second Memorandum Opinion and Order and Third Notice of Proposed

Rulemaking. PR Docket No. 89-552, RM-8506, GN Docket No. 93-252, PP Docket No. 93-253 (August 28, 1995) ("3rd NPRM") and AMTA's Reply Comments. USMC fully supports the proposals set forth by AMTA, with one exception. Unlike AMTA, USMC believes that the Commission should adopt its own proposal and reallocate the nationwide spectrum for commercial use, return without prejudice unprocessed nationwide applications, as well as the appropriate filing fees, to the 33 applicants, and auction the available nationwide licenses. USMC's position on the auction-versus-lottery question is discussed fully in USMC's Comments.

Signal Strength Standard

USMC supports the position of ComTech regarding its proposed signal strength standard. See ComTech Comments, at 12-13. AMTA is also supporting ComTech's 28 dBuV/m signal strength standard proposal in AMTA's Reply Comments in this proceeding. Under the ComTech proposal, the protected service area contour for 220 MHz licensees would extend to 28 dBuV/m, as opposed to 38 dBuV/m as the FCC proposed in the 3rd NPRM. ComTech asserts, and USMC and AMTA agree, that the real-world experiences of licensees demonstrate that 220 MHz systems provide reliable service even beyond the 28 dBuV/m contour absent co-channel interference. Thus, limiting licensees to a 38 dBuV/m contour would unnecessarily restrict the ability of licensees to provide reliable service to their customers. By extending the protected service area to 28 dBuV/m, the Commission will allow Phase I licensees to provide service over most of their entire actual service areas.

As explained by ComTech, the use of the 28 dBuV/m signal strength standard at the edge of the service area is consistent with the original separation of 120 km for Phase I licensees. This will permit Phase I licensees to define their service areas for full coverage, yet at the same time


avoid overlapping service areas with other Phase I licensees. Moreover, allowing Phase II licensees to establish a signal strength up to 28 dBuV/m at the edge of their territories is simple and will provide for parity between the Phase I and Phase II licensees. Although interference will be found where the borders between neighboring licensees are contiguous, the zone of interference will be relatively small. Hence, high quality service will be available over most of each licensees' respective service areas.

Conclusion

USMC generally supports AMTA's proposals as detailed in AMTA's Comments in this proceeding. Unlike AMTA, however, USMC believes that the Commission should adopt its own proposal and reallocate the nationwide spectrum for commercial use, return without prejudice unprocessed nationwide applications, as well as the appropriate filing fees, to the 33 applicants, and auction the available nationwide licenses. In addition, USMC supports the proposal of ComTech to adopt a 28 dBuV/m signal strength standard, rather than a 38 dBuV/m standard. USMC understands that AMTA is also supporting a 28 dBuV/m signal strength standard in its Reply Comments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Ana Julissa Ayala, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P. do hereby certify that on this 12th of October, 1995 a copy of the foregoing

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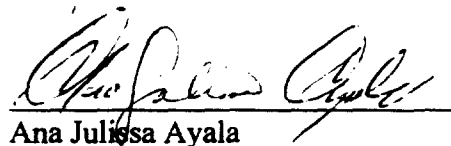
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